

Swimming Pool/Spa Packet



DEPARTMENT OF CONSUMER AFFAIRS

Contractors State License Board

Before You Dive Into Swimming Pool Construction...

Introduction

You're ready to take the plunge and install a backyard swimming pool, but your excitement may be tempered with misgivings about dealing with contractors and the construction process. Hiring a contractor to build your pool is not something you do every day. Not only is it an unfamiliar process, but it is a huge investment of your time and money. It is important for you to know that as a consumer you have rights, but you also have responsibilities, including doing what you can to protect yourself from unscrupulous contractors and illegal activity.

Begin by reviewing this booklet and other publications from the Contractors State License Board (CSLB) so that you are armed with tips to make sure your pool project goes swimmingly.

Selecting a Contractor

In California, any contracting job—including swimming pool construction or repair—that costs \$500 or more must be performed by a contractor who holds a current, valid contractors license from the CSLB. The license must be in the specialty for the work to be performed. There are 44 different kinds of contractor licenses, most of which are for specialty work, such as swimming pool construction.

In general, to become licensed, contractors must pass a written examination that tests knowledge of their trade; verify four years of journey-level experience in their trade; post a license bond; and show proof of workers' compensation insurance, if needed.

Contractors who perform swimming pool construction or repairs must be licensed as swimming pool specialty contractors. A general building contractor may also contract for swimming pool work provided the general building contractor holds the swimming pool specialty classification, or the general building contractor hires a licensed swimming pool specialty contractor to perform the work. Check with the CSLB to make sure the contractor is properly licensed and in good standing. First, ask for the contractor's license number, and then verify it with the CSLB online at www.cslb.ca.gov or toll-free at (800) 321-CSLB.

Ten tips for making sure your swimming pool contractor measures up

1. Hire only licensed contractors.
2. Check contractor's license number at www.cslb.ca.gov or (800) 321-CSLB.
3. Get three references and review past work.
4. Get at least three bids.
5. Get a written contract and don't sign anything until you completely understand the terms.
6. Pay 10% or \$1,000 down, whichever is less, for swimming pool projects.
7. Don't let payments get ahead of the work.
8. Don't make final payment until completion of the final plastering phase of construction, and until the installation or construction of equipment, decking, or fencing required by the contract has also been completed.
9. Don't pay cash.
10. Keep a job file of all papers relating to your project.

Hiring a Contractor

One of the best ways to select a licensed swimming pool contractor is to seek out personal recommendations from friends or relatives who recently had similar work done. You may also get recommendations from trade associations, such as a local builders' exchange or a swimming pool and spa association.

Then get the contractor's license number and check it out with the CSLB. Contractors carry a plastic pocket card issued by the CSLB that lists the contractor's license number, as well as the business name, address, trade classification, and license expiration date.

The CSLB also can tell you if the contractor has any legal actions against the license (citations, accusations, or court judgments), if the license is current and active, if the business carries workers' compensation insurance, and if the license bond is current.

Don't stop there—follow up with references. Ask the contractor for the names of clients—one current and one completed—and talk to them about the job and their satisfaction with the contractor. Some questions to ask include:

- Were you satisfied with the contractor's work?
- Did the contractor keep to the project schedule?
- Did the contractor stick to the contract terms and costs?
- How did the contractor deal with changes and corrections?
- Did the contractor resolve problems?

Solicit at least three bids from licensed, qualified contractors, and remember the lowest bid may not be your best choice. To accurately compare quotes, each bid must be based on the same specific set of plans and descriptions. A substantially lower bid may indicate the contractor made a mistake or did not include all of the work quoted by competitors.

Homeowners who are considering swimming pool construction may be contacted by, receive a bid from, and negotiate a contract with a contractor's salesperson—not the licensed contractor. Law allows licensed contractors to employ registered home improvement salespersons (HIS) to solicit, negotiate, sell, or execute contracts, including swimming pool construction and repair.

Find out who you're dealing with—the contractor or the contractor's salesperson. Anyone who solicits, sells, negotiates, or executes home improvement contracts, including swimming pool contracts, for a licensed contractor away from the contractor's normal place of business (such as in your home), must be registered with the CSLB. Home improvement salespersons must be ready to present to you their HIS registration.

Check with the CSLB to verify that both the contractor and the HIS are properly licensed and registered.

Writing a Contract

Make sure everything is in writing—assume nothing. Although you might believe that a "contract" should look like a contract, anything you sign could be used as authorization to go forward with your project. This means that any bid you sign may become the contract; therefore, do not sign anything until you completely understand what you are signing, and you agree to all the terms.

Be sure to ask questions until you fully understand the contract and what the work will look like. Before signing anything, you may wish to discuss the proposed contract, plans and specifications with an attorney.

Since a written contract protects both you and the contractor, all agreements should be put in writing. A specific, detailed contract will help eliminate misunderstandings between you and your contractor and help establish a "meeting of the minds." Among other elements, the contract must include a description of the work and the materials and equipment to be used.

Also, a plan and scale drawing of the shape, size, and dimensions must be included as part of your swimming pool contract.

Make sure everything you are paying for is described in the contract. Specify all materials to be used, such as the quality, quantity, weight, color, size, or brand name as it may apply. Also, include everything you feel is important to the job, including cleanup and removal of debris and materials. You may give instructions regarding pets, children or areas where materials may not be stored.

Describing the Project

THE GOOD: "Set blue #6006 ceramic 6 inch square, manufactured by California Tile, style #abc, to cover perimeter lip of pool, per plan."

THE BAD: "Set 6 inch ceramic tile in a dark blue around the pool."

**THE
UGLY:**

"Set tile in matching blue."

Your contract should include these basics:

1. The contractor's name, address, and license number.
2. The approximate dates when the work will begin and be substantially completed.
3. A description of the work, equipment, materials, and contract price.
4. A schedule of payments in dollars and cents, directly referenced to the value of completed work.
5. A down payment for a swimming pool is ten percent or \$1,000, whichever is less.
6. A Notice to Owner regarding the state's lien laws.
7. A description of what constitutes substantial commencement of work.
8. A notice that failure of the contractor, without lawful excuse, to substantially commence work within 20 days from the start date, is a violation of Contractors License Law.
9. A notice whether or not the contractor carries commercial general liability insurance and the insurance carrier.

For more detailed information on swimming pool and other home improvement contracts, please refer to CSLB's booklets, *Home Improvement Contracts: Putting the Pieces Together* and *What You Should Know Before You Hire a Contractor*. Order a free copy at www.cslb.ca.gov or (800) 321-CSLB.

Scheduling Payments

Be sure the financial terms of the contract are clear. The contract should include the total price, when payments will be made, and whether there is a cancellation penalty.

You can expect to make a down payment for any home improvement job; however, California law specifies the amount that is allowed. The down payment for swimming pools cannot exceed ten percent of the contract price or \$1,000, whichever is less. The down payment for other home improvement contracts cannot exceed 10 percent of the contract price or \$1,000, whichever is less.

"FRONTLOADING" IS ILLEGAL

The illegal practice of "frontloading" is a major source of complaints against swimming pool contractors. Frontloading occurs when contractors take illegally excessive down payments or take payments for work not completed. A common example with swimming pool construction is taking payment for gunite work (a sprayed concrete mixture) before the job is completed. When you let your payments get ahead of the work, you are put in a precarious position. The swimming pool contractor may ask for 50 percent of the total cost, perform only 15 percent of the work, then abandon the job, leaving you with a big hole in the ground and no funds to pay another contractor to finish the work. Don't let this happen to you—don't let your payments get ahead of the work.

The final payment may be made at the completion of the final plastering phase of construction, provided that any installation or construction of equipment, decking, or fencing required by the contract is also completed.

RIGHT TO RESCIND

The law requires the contractor to give you written notice of your right to cancel a contract within three business days of signing it, provided it was solicited at some place other than the contractor's place of business (your home, for instance). Use those three days to review the contract. If you're not comfortable with it, don't be afraid to cancel. You can always work out the problems and sign a new contract, or go with a different contractor. You must cancel the contract in writing.

Dealing with the Work in Progress

The contract for your swimming pool construction should call for the work to be performed in accordance with all applicable building codes. As a general rule, a building permit is required whenever structural work is involved or

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when the basic living area of a home will be changed. Swimming pool construction falls into these categories. The contractor should obtain the necessary building permits, and this arrangement should be spelled out in your contract. Otherwise, you may be held legally responsible for failure to obtain the required permits.

After you've signed a contract, and even after work has already begun, your contractor may offer suggestions that will change your original ideas for the work. If you have discussed added work, substitutions of materials or equipment, or changes in the completion date, make sure that clearly worded and signed "change orders" reflect this.

In most cases, you will be living in your home and using your yard while work is ongoing. Be aware of the many inconveniences that may occur. To gain access to your yard for construction of a pool, the contractor may have to remove or damage some existing landscaping or fencing. Before work begins, ask your contractor what inconveniences will occur, then plan for them.

Understanding Mechanics' Liens

California law provides that anyone who furnishes labor or materials to your home can record a "Claim of Lien" or "Mechanics' Lien" against your home if he or she is not paid. This puts your home at risk. Even if you have paid your swimming pool contractor in accordance with the written contract, if the contractor fails to pay any other person who performed work or supplied materials in connection with your pool, you still run the risk of having a mechanics' lien filed against your home. This could result in you paying a bill twice to protect your home against foreclosure.

PROTECTING YOURSELF

You can protect yourself in the following ways:

Lien releases. Specify in the written contract that your swimming pool contractor must obtain lien releases from each of the subcontractors and materials suppliers. A lien release is a document which, when signed by a subcontractor, laborer or material supplier after being paid for work or materials, waives any future right to enforce a mechanics' lien against your property.

A payment bond. In your written contract, require that your swimming pool contractor obtain a payment bond. A payment bond assures the owner that no liens for labor and material will be filed against the property.

Joint payments. Make payments to your contractor in the form of a joint check to your contractor and the person or company providing labor or materials.

Joint control. State in your written contract that you will use a joint control company to disburse payments. A joint control company is a licensed escrow company that specializes in handling funds for construction jobs. Instead of giving the money to your contractor, you give it to the joint control company, which then makes payments to your contractor, subcontractors, and suppliers.

Keeping a Job File

Keep a job file of all documents related to your project, including the contract and any change orders, plans and specifications, bills and invoices, cancelled checks, lien releases, notes and correspondence, and photos of the job in progress.

It is also a good idea to keep a record of subcontractors, the dates they were on the job and the work they performed, and to document material deliveries.

Handling Problems

If you have planned carefully, the construction and completion of your swimming pool should be accomplished without major problems. However, despite the precautions you have taken, problems may occur. If problems arise during or after construction, talk to your contractor. Usually, he or she will make corrections willingly.

Send your contractor a letter addressing your concerns and problems. If your contractor refuses to make corrections, you should file a complaint with the CSLB. In most cases, the CSLB will attempt to mediate a settlement; however, if the contractor is found to be in violation of Contractor Law, they may take legal action. Legal action can result in a citation, license suspension or revocation. There is no guarantee that the CSLB action will result in restitution.

For more information, please order a free copy of A Consumer Guide to Filing Construction Complaints and the complaint form online at www.cslb.ca.gov or toll-free at (800) 321-CSLB.

Following Up on Resources...

CONTRACTORS STATE LICENSE BOARD

The Contractors State License Board, which operates under the umbrella of the California Department of Consumer Affairs, licenses and regulates 278,000 licensed contractors in California and handles more than 20,000 complaints annually. The CSLB also provides consumers with free information and resources. The following materials are available:

Booklets

A Consumer Guide to Asbestos

Blueprint for Becoming a California Licensed Contractor

Description of Classifications

Home Improvement Contracts: Putting the pieces together

What You Should Know Before You Hire a Contractor

Pamphlets

Advertising Do's and Don'ts for Contractors

After a Disaster

Building Your Career as a Licensed Contractor (English/Spanish)

A Consumer Guide to Filing Construction Complaints (English/Spanish)

A Guide to Contractor License Bonds

What Seniors Should Know Before Hiring a Contractor (English/Spanish)

What You Should Know Before You Hire a Contractor (English/Spanish)

These materials are available by writing to CSLB Publications, P.O. Box 26000, Sacramento, CA 95826, calling (800) 321-CSLB, or logging onto www.cslb.ca.gov.

The CSLB also maintains a toll-free automated telephone response system and an informational Web site full of resources, including a License Status Check feature, which allows Web visitors to instantaneously check the license of any contractor in the state. Check it out at www.cslb.ca.gov or call toll-free at (800) 321-CSLB.

OTHER RESOURCES

The Better Business Bureau maintains a Web site at www.bbb.org. The website provides information, tips, and how to contact a BBB near you.

The California Spa and Pool Education Industry Council can answer questions regarding your swimming pool project. Contact this association of swimming pool contractors at (800) 991-7732.

Search the Internet for information on swimming pools and spas, including nspi.org, the Web site of the National Spa & Pool Institute.

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Considering Becoming an Owner-Builder?

Building Division

Effective: January 1, 2009
Revised: October 11, 2011



Important information you need to know BEFORE pulling your permit!

The term “Owner-Builder” can mean three different things:

“Owner as *Worker*”, “Owner as *Contractor*” or “Owner as *Employer*”

Understand each has Benefits or Risk, and it is possible to combine them!

Hiring a California Licensed Contractor means you do not personally perform any of the construction work, the permit is not taken out in your name, you are not personally responsible for the construction and you are *not* an Owner-Builder. Instead, you become a “Customer” and California law provides you the benefit of protection from poor workmanship, failure to finish the job and financial risk due to worker injury.

Benefit/Risk: Highest Benefits and the Least amount of Risk

Owner-as-Worker is a type of Owner-Builder where you *personally perform* the construction work, the permit is taken out in your name and you are *personally responsible* for the construction management, knowledge, workmanship, and completion of the job. You benefit by not paying others to perform this work for you and your risk depends on your own ability to complete the job successfully.

Benefit/Risk: Possible Benefit with Low Financial Risk

Owner-as-Contractor is a type of Owner-Builder where you personally act as your own General Contractor, the permit is taken out in your name and you hire California licensed sub-contractors to perform portions of the construction work. **WARNING:** The benefit of protection provided by law when you hire only California licensed sub-contractors can turn to serious financial risk if you hire *unlicensed* contractors to perform *any* of the work.

Benefit/Risk: Possible Benefit and Significant Financial Risk

Owner-as-Employer is a type of Owner-Builder where you pay *any* unlicensed individual to perform *any* construction work valued at more than \$500.00, the permit is taken out in your name and you are personally responsible for their employment requirements, supervision, performance, safety and welfare while on your property. **WARNING:** Cost savings benefit can turn to serious financial risk if you fail to deduct *payroll taxes* or provide *workers compensation insurance* for each worker.

Benefit/Risk: Possible Benefit with Significant Financial Risk

(Health and Safety Code Section 19827) The California Legislature declares an “urgent and statewide public interest in assuring” that contractors comply with Contractors’ License Law, Business and Professions Code and Workers’ Compensation Insurance requirements to ensure property owners are informed about, and protected from the following when improving their property as Owner-Builders:

Fraudulent representations • Liability for worker’s injuries • Liability for material and labor costs unpaid by contractors • Licensing requirements • Employers tax liabilities

Considering Becoming an Owner-Builder?

Building Division

Effective: January 1, 2009
Revised: October 11, 2011

Over 20,000 consumer complaints are filed each year. Many complaints relate to owner/builder projects and include workmanship and workers' compensation issues. Homeowners suffer financial harm due to defective workmanship and injured employees.

Following are alarming examples of what has occurred with Owner-Builder permits:

Example 1: Homeowner received insurance money to rebuild burned-down home.

- Owner/Builder permit pulled to rebuild structure.
- Unlicensed contractor built substandard structure – must be torn down and replaced.
- Estimated financial injury is \$225,000.
- Additional financial injury - IRS threatened to tax insurance payout if house not completed by the end of the year.

Example 2: Brother-in-law had active license but filed an exemption from Workers Comp.

- Owner-Builder hires brother-in-law to install a new roof.
- Employee falls and sustains multiple spinal and extremity fractures as well as a head injury and remains in a coma to this day.
- The Owner-Builder, who has sold the home, is now a defendant in a lawsuit for reimbursement for benefits paid to the injured worker.

Example 3: Employee of contractor without Workers Comp is hired by Owner-Builder to install septic system and suffers injury that results in permanent disability.

- The Owner-Builder did not have a homeowner's insurance policy on the house against which to submit a claim.
- The Owner-Builder is now a defendant in a lawsuit for reimbursement for benefits paid to the injured worker.

Did you know – unlicensed persons frequently have the property owner obtain an "Owner-Builder" building permit which erroneously implies that the property owner is providing his or her own labor and material personally?

Did you know – your homeowner's insurance may not provide coverage for injuries sustained on your property by an unlicensed contractor and his/her employees?

Did you know – if you are considered an "employer" under state and federal law, you must register with the state and federal government, withhold payroll taxes, provide workers compensation and disability insurance and contribute to unemployment compensation for each "employee"?

Did you know – that if you fail to abide by these laws you may be subjected to serious financial risk?

OWNERS BEWARE AND CONSIDER THE RISK BEFORE ACCEPTING FULL RESPONSIBILITY FOR YOUR CONSTRUCTION PERMIT



Owner-Builder Verification

Building Division

Effective: January 1, 2009
Revised: December 7, 2012

IMPORTANT! NOTICE TO PROPERTY OWNER

Dear Property Owner,

An application for a building permit has been submitted in your name listing yourself as the builder of the property improvements specified at _____.

We are providing you with an Owner-Builder Acknowledgment and Information Verification Form to make you aware of your responsibilities and possible risk you may incur by having this permit issued in your name as the Owner-Builder. **We will not issue a building permit until you have read, initialed your understanding of each provision, signed, and returned this form to us at our official address indicated.** An agent of the owner cannot execute this notice unless you, the property owner, obtain the prior approval of the permitting authority.

OWNER'S ACKNOWLEDGMENT AND VERIFICATION OF INFORMATION

DIRECTIONS: Read and initial each statement below to signify you understand or verify this information.

____ 1. I understand a frequent practice of unlicensed persons is to have the property owner obtain an "Owner-Builder" building permit that erroneously implies that the property owner is providing his or her own labor and material personally. I, as an Owner-Builder, may be held liable and subject to serious financial risk for any injuries sustained by an unlicensed person and his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an Owner-Builder and am aware of the limits of my insurance coverage for injuries to workers on my property.

____ 2. I understand building permits are not required to be signed by property owners unless they are *responsible* for the construction and are not hiring a licensed Contractor to assume this responsibility.

____ 3. I understand as an "Owner-Builder" I am the responsible party of record on the permit. I understand that I may protect myself from potential financial risk by hiring a licensed Contractor and having the permit filed in his or her name instead of my own.

____ 4. I understand Contractors are required by law to be licensed and bonded in California and to list their license numbers on permits and contracts.

____ 5. I understand if I employ or otherwise engage any persons, other than California licensed Contractors, and the total value of my construction is at least five hundred dollars (\$500), including labor and materials, I may be considered an "employer" under state and federal law.

____ 6. I understand if I am considered an "employer" under state and federal law, I must register with the state and federal government, withhold payroll taxes, provide worker's compensation disability insurance, and contribute to unemployment compensation for each "employee." I also understand my failure to abide by these laws may subject me to serious financial risk.

____ 7. I understand under California Contractor's State License Law, an Owner-Builder who builds single-family residential structures cannot legally build them with the intent to offer them for sale, unless *all* work is performed by licensed subcontractors and the number of structures does not exceed four within any calendar year, or all of the work is performed under contract with a licensed general building Contractor.

____ 8. I understand as an Owner-Builder if I sell the property for which this permit is issued, I may be held liable for any financial or personal injuries sustained by any subsequent owner(s) that result from any latent construction defects in the workmanship or materials.

9. I understand I may obtain more information regarding my obligations as an "employer" from the Internal Revenue Service, the United States Small Business Administration, the California Department of Benefit Payments, and the California Division of Industrial Accidents. I also understand I may contact the California Contractors' State License Board (CSLB) at 1-800-321-CSLB (2752) or www.cslb.ca.gov for more information about licensed contractors.

10. I am aware of and consent to an Owner-Builder building permit applied for in my name, and understand that I am the party legally and financially responsible for proposed construction activity at the following address:

11. I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern Owner-Builders as well as employers.

12. I agree to notify the issuer of this form immediately of any additions, deletions, or changes to any of the information I have provided on this form. Licensed contractors are regulated by laws designed to protect the public. If you contract with someone who does not have a license, the Contractor's State License Board may be unable to assist you with any financial loss you may sustain as a result of a complaint. Your only remedy against unlicensed Contractors may be in civil court. It is also important for you to understand that if an unlicensed Contractor or employee of that individual or firm is injured while working on your property, you may be held liable for damages. If you obtain a permit as Owner-Builder and wish to hire Contractors, you will be responsible for verifying whether or not those Contractors are properly licensed and the status of their worker's compensation insurance coverage.

Before a building permit can be issued, this form must be completed and signed by the property owner and returned to the agency responsible for issuing the permit. Note: A copy of the property owner's driver's license, form notarization, or other verification acceptable to the agency is required to be presented when the permit is issued to verify the property owner's signature.

Signature of property owner _____ Date: _____

Note: The following Authorization Form is required to be completed by the property owner only when designating an agent of the property owner to apply for a construction permit for the Owner-Builder.

AUTHORIZATION OF AGENT TO ACT ON PROPERTY OWNERS BEHALF

Excluding the Notice to Property Owner, the execution of which I understand is my personal responsibility, I hereby authorize the following person(s) to act as my agent(s) to apply for, sign, and file the documents necessary to obtain an Owner-Builder Permit for my project.

Scope of Construction Project (or Description of Work): _____

Project Location or Address: _____

Name of Authorized Agent: _____ Tel No _____

Address of Authorized Agent: _____

I declare under penalty of perjury that I am the property owner for the address listed above and I personally filled out the above information and certify its accuracy. *Note: A copy of the owner's driver's license, form notarization, or other verification acceptable to the agency is required to be presented when the permit is issued to verify the property owner's signature.*

Property Owner's Signature: _____ Date: _____

For swimming pool and spa submittals please submit design plans, specifications and calculations in conformance with this document. We can only accept and process complete (not partial) sets of plans and specifications. Submitting an incomplete plan set will significantly delay the plan check process.

References and details such as “see plans” or “plans comply” will not be accepted. Show or note specifically how compliance with code requirements is to be achieved. Note that engineer stamped plans cannot be modified in any way (e.g. red-lined) except by the original engineer. Plans modified by others will not be accepted.

Indicate which detail, specification, or calculation shows the required information. Notes of a general nature, such as “handrails shall be as per CBC are not acceptable, the specific requirements must be listed.

SUBMITTAL REQUIREMENTS

1. A minimum **3 sets** of plans shall be submitted. These plans shall fully show or include:
2. Swimming pool structural sheets must be wet stamped and signed. All persons preparing plans for others shall sign those plans, note their license number and expiration date of license.;
3. Details that are to be used from the structural sheet shall be circled indicating intended use, details not intended to be used shall be crossed out. The Steel Schedule shall be highlighted indicating soil type, superimposed loads and depth of pool, etc.;
4. Provide a plot plan of the property as specified below.
5. Indicate the method of providing a barrier completely encircling the pool and/or spa. Indicate on the plot plan the location and components of the barrier. (fence, gates, alarms, house walls, etc.);
6. Provide information on the electrical service at the property as specified below.
7. Gazebos installed in conjunction with spas, will only require plans if the gazebo is to be site built. Prefabricated gazebos not exceeding 10 feet in diameter and only enclosing the spa will not require detailed plan submittal.
8. Provide Installation Certificate – CF-6R-MECH-03 (for heated and non-heated swimming pools)
9. Note on plans that City Business Licenses are required for all contractors and subcontractors providing work on the building or site.
10. **APPLICABLE CODES AS OF JANUARY 1, 2014**
 - 2013 California Building Code(CBC)
 - 2013 California Residential Code(CRC)
 - 2013 California Plumbing Code(CPC)
 - 2013 California Mechanical Code(CMC)
 - 2013 California Electrical Code(CEC)
 - 2013 California Green Building Standards Code(CalGreen)

2010 California Energy Code (Title 24)
Brentwood Municipal Code

PLOT PLANS

1. Provide plot plan for the entire property. The preferred scale is 1" = 20'.
2. Show lot dimensions, setbacks, and fence locations.
3. Indicate compliance with the following setback requirements

SETBACKS	DISTANCE TO PROPERTY LINE	DISTANCE TO STRUCTURE	DISTANCE TO WINDOW OR DOOR
In-ground spa	5 feet	5 feet	No Restrictions**
Swimming pool	5 feet	5 feet	No Restrictions**
Gas fired heater vent	4 feet*	See Listing	4 feet
Equipment (pumps & filters)	No Restrictions		
Equipment shelter	See Planning for Setbacks		No Restrictions

* Heaters may not to be located in side yards with 5' set-back.

** Glazing within 5 feet of pools and spas musty be safety glass.

4. Specify and show the location of the barrier completely surrounding the pool and/or spa;
5. Indicate the location and type of hardware used for the self-closing and latching gates & doors; and,
6. Indicate the location and type of hardware and/or alarms used for alternates to the self-closing and latching doors of any house wall forming part of the barrier.
7. Indicate the location of all pool equipment, such as pumps, filters and heaters.

PLUMBING

1. Indicate on the plans that a vacuum breaker shall be installed on fill line;
2. Indicate if an autofill is to be provided.
3. Autofill fill lines must be provided with a pressure vacuum breaker.
4. Plumbing lines shall be tested at 35 psi.
5. Piping must be buried and covered with 12" minimum of fill or concrete cover;
6. Piping shall not be embedded in gunite;

POOL & SPA HEATERS

1. Specify on the plans that the pool heater has a length of plumbing (36 inch minimum) between the filter and the heater to allow for the possible future addition of solar heating equipment.
2. Specify on the plans that the pool heater has a thermal efficiency of at least 75 percent and that the heater is so labeled or identified.

3. Specify on the plans that an outdoor pool equipped with a heater is also equipped with a pool cover. Specify that the pool cover will pre-cut and fit for the final inspection.
4. Specify on the plans that time clocks will control the pool circulation pump so that the pump can be set to run in the off-peak electric demand period and for the minimum time necessary to maintain the water in a clear and sanitary condition. Specify this time in minutes or hours and minutes.
5. Provide Installation Certificate – CF-6R-MECH-03

ELECTRICAL REQUIREMENTS

1. Indicate how power is to be provided for the pool, spa and equipment;
2. Submit electrical load calcs for the electrical service. This should include the house load, sub panel loads and pool loads.
3. Indicate the source of the pool electrical power supply (i.e. the main feeds the sub-panel, the sub-panel feeds the pool sub panel).
4. Indicate the size and make of the house electrical service and sub panels.(i.e. 100/125/200 Amps)
5. Indicate that pool feeder will be ran in conduit.
6. Indicate the size and type of all feeders serving the pool and/or associated equipment.
7. Show the location on the plans of a 15 or 20 amp GFCI outlet located not closer than 10 feet nor further than 20 feet from edge of the water. (NEC 680.6)
8. Show on plans that an Equipotential bonding grid using a minimum #8 Cu or a #3 rebar shall extend a minimum of 3 feet from the inside walls of the pool under all paved walking surfaces.
9. Underground wiring shall not be located within 5 feet of the pool unless serving the pool equipment.
10. A 30" wide by 30" deep working space shall be provided at all electrical equipment.

STRUCTURAL DESIGN

1. All engineering plans and specifications shall be signed and sealed or stamped by the engineer to indicate his or her responsibility for them. The signature must be "wet".

POOL & SPA BARRIERS

Pools and spas must be enclosed within a barrier that complies with the following:

1. The barrier must completely enclose the pool and/or spa.
2. Fences must be at least 5' in height
3. Any openings, holes or gaps in the fence/barrier can't exceed 4" between pickets, posts or other portions of the barrier.
4. The distance between the bottom of the fence and finished concrete may not exceed 4".

5. The distance between the bottom of the fence and firmly compressed earth may not exceed 2".
6. Gates or doors in the barrier must be self-closing and self-latching. Latches must be installed a minimum of 5' above the ground or be accessible only from inside of the fence. The latching mechanism must keep the gate or door securely closed. The self-closing mechanism must be able to close the door or gate with the wind blowing.
7. Homes constructed with a drive-thru garage are required to have the pool and/or spa area fenced.
8. A house wall may be used as part of the barrier. Doors or other exit openings may be in the house wall provided the following protection methods are followed:
 - a) Any doors or other exit openings in the house wall must comply with the self-latching self-closing requirements above, or
 - i. A "listed" and approved safety-type cover is installed, or
 - ii. For sliding glass doors only, an "approved" audible alarm¹ shall be installed on any sliding glass door that exits to the pool or spa area, or
 - iii. A dome is installed over the pool/spa.
1. *¹The house burglar alarm system can not be used as a pool alarm. An audible alarm is an alarm that produces an audible warning when the door and its screen, if present, are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened, and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touch-pad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for no more than 15 seconds. The deactivation switch shall be located at least 54 inches above the threshold of the door. We presently only have two makes and models of approved alarms.*



ADDRESS _____

SWIMMING POOL SAFETY REQUIREMENTS

POOL GLAZING REQUIREMENTS

Section 2406.4.5, 2013 California Building Code - Glazing in walls and fences used as the barrier for indoor and outdoor swimming pools or spas shall be safety glazing meeting the requirements of Sections 2406.4.5 2013 CBC when all of the following conditions are present:

1. The bottom edge of the glazing is less than 60 inches above the walking surface of the pool side of the glazing.
2. The glazing is within 5 feet of a swimming pool or spa water's edge.

2013 CALIFORNIA ELECTRICAL CODE (CEC)

1. All metals within 5' horizontally of the inside walls of the pool and 12' vertically of maximum water level of pool to be bonded. Per CEC 680.26 (B)(7)
 2. Receptacles that provide power for water pump motors or for other loads directly related to the circulation and sanitations system that are 125v or 240v whether by receptacle or direct connection shall be provided with GFCI protection. They shall also be located at least 10' from the inside walls of the pool, or not less than 6' from the inside walls of the pool if they meet all of the requirements of CEC 680.22
 3. Where a permanently installed pool is installed at a dwelling unit, no fewer than 1 – 125 volt, 15 or 20 amp receptacle on a general purpose branch circuit shall be located not less than 6' from and not more than 20' from the inside wall of the pool. Per CEC 680.22 (A)(3)
 4. Equipotential Bonding Grid: The parts specified in 680.26(B) shall be connected to an equipotential bonding grid with a solid copper conductor, insulated, covered or bare, not smaller than 8AWG or rigid metal conduit of brass or other identified corrosion resistant metal conduit. Connection shall be made by exothermic welding or by listed pressure connectors or clamps that are labeled as being suitable for the purpose and are of stainless steel, brass, copper or copper alloy. The equipotential common bonding grid shall extend under paved and unpaved surfaces for 3' horizontally beyond the inside walls of the pool and shall be permitted to be any of the following:
 - 4.1 Structural reinforcing steel. The structural reinforcing steel of a concrete pool where the reinforcing rods are bonded together by the usual steel tie wires or the equivalent.
 - 4.2 Bolted or welded metal pools. The wall of a bolted or welded metal pool.
 - 4.3 Alternate means. This system shall be permitted to be constructed as specified (A)-(F).
- A. Materials and connections. The grid shall be construction of minimum 8AWG bare solid copper conductors. Conductors shall be bonded to each other at all points of crossing. Connections shall be made per CEC 680.26 (D).
- B. Grid structure. The equipotential bonding grid shall cover the contour of the pool and the pool deck extending 3' horizontally from the inside walls of the pool and shall include unpaved surfaces. The equipotential bonding grid shall be arranged in a 12" x 12" network of conductors in a uniformly space

perpendicular grid pattern with tolerance of 4". For non-conductive pool shells, bonding at four points shall not be required

C. Securing. The below grade grid shall be secured within or under the pool and deck media. Per CEC 680.26 (C)

D. Per CEC 680.26(B)(1) Swimming pools made of fiberglass and vinyl shall be considered non-conductive.

E. All metal parts used to secure vinyl pool liners shall be bonded to the equipotential bonding grid.

F. Per CEC 680.26 (C) an intentional bond of 9" sq shall be installed in contact with the pool water of non-conductive swimming pools

5. Overhead electrical conductors create a safety hazard if they are incorrectly installed adjacent to swimming pools. Overhead conductors must not pass over the pool unless the conductors are a specified height above the pool as detailed in the California Electric Code and PG&E's handbook. Electrical service drops require a minimum clearance of 12 feet from water's surface to overhead lines. Telephone lines and cable television systems may pass over a pool if a 10' vertical clearance is maintained above the swimming pool.

ENCLOSURE/BARRIER/SAFETY REQUIREMENTS

1. Chain link fences used as the barrier shall not be less than 11 gauge and with no openings larger than 1 ¾ ".
2. The maximum vertical clearance between grade and the bottom of the barrier shall not exceed 2". This clearance may be increased to 4" over concrete.
3. Spas must meet the same enclosure requirements as pools; however, they may be provided with listed covers.

CALIFORNIA CODES / HEALTH AND SAFETY CODE / SECTION 115920-115929

115920. This act shall be known and may be cited as the Swimming Pool Safety Act.

115921. As used in this article the following terms have the following meanings:

- a. "Swimming pool" or "pool" means any structure intended for swimming or recreational bathing that contains water over 18 inches deep. "Swimming pool" includes in-ground and above-ground structures and includes, but is not limited to, hot tubs, spas, portable spas, and non-portable wading pools.
- b. "Public swimming pool" means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the grounds of a private single-family home.
- c. "Enclosure" means a fence, wall, or other barrier that isolates a swimming pool from access to the home.
- d. "Approved safety pool cover" means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346-91.
- e. "Exit alarms" means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.

115922. (a) Commencing January 1, 2007, except as provided in Section 115925, whenever a building permit is issued for construction of a new swimming pool or spa, or any building permit is issued for remodeling of an existing pool or spa, at a private, single-family home, it shall be equipped with at least one of the following seven drowning-prevention safety features:

1. The pool shall be isolated from access to a home by an enclosure that meets the requirements of Section 115923.
2. The pool shall incorporate removable mesh pool fencing that meets American Society for Testing and Materials (ASTM) Specifications F 2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key-lockable device.
3. The pool shall be equipped with an approved safety pool cover that meets all requirements of the ASTM Specifications F 1346 .
4. The residence shall be equipped with exit alarms on those doors providing direct access to the pool.
5. All doors providing direct access from the home to the swimming pool shall be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.
6. Swimming pool alarms that, when placed in pools, will sound upon detection of accidental or unauthorized entrance into the water. These pool alarms shall meet and be independently certified to the ASTM Standard F 2208 "Standards Specification for Pool Alarms" which includes surface motion, pressure, sonar, laser, and infrared type alarms. For purposes of this article, "swimming pool alarms" shall not include swimming protection alarm devices designed for individual use, such as an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water.
7. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth above, and have been independently verified by an approved testing laboratory as meeting standards for those devices established by the ASTM or the American Society of Mechanical Engineers (ASME).

Prior to the issuance of any final approval for the completion of permitted construction or remodeling work, the local building code official shall inspect the drowning safety prevention devices required by this act and if no violations are found, shall give final approval.

115923. An enclosure shall have all of the following characteristics:

- (a) Any access gates through the enclosure open away from the swimming pool, and are self-closing with a self-latching device placed no lower than 60 inches above the ground.
- (b) A minimum height of 60 inches.
- (c) A maximum vertical clearance from the ground to the bottom of the enclosure of two inches.
- (d) Gaps or voids, if any, do not allow passage of a sphere equal to or greater than four inches in diameter.
- (e) An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.

115924. (a) Any person entering into an agreement to build a swimming pool or spa, or to engage in permitted work on a pool or spa covered by this article, shall give the consumer notice of the requirements of this article.

PLUMBING REQUIREMENTS

Plastic PVC when used in the circulating system must have a soil embedment depth of 12". Risers to the pool equipment may be plastic PVC and shall be painted with latex paint to provide protection from the sun. There cannot be a direct

connection between any storm drain, drainage system, and drywell or subsoil irrigation line connected to a swimming pool. Any discharge from the swimming pool for the purpose of lowering the water level must be from a hose connected to a hose bibb on the filter or separation tank with drainage to an acceptable location.

INSPECTIONS REQUIRED

A swimming pool requires:

1. A pre-site inspection to check setback requirements and to identify possible lot drainage and grading problems, and to determine the size of the electrical service.
2. A pre-gunite inspection to check steel placement, positioning of the equipment pad, the electrical bonding of the steel and the erection of a temporary fence. If a pool heater is used, a gas test is conducted.
3. A pre-deck inspection to check deck reinforcement steel bonding
4. A pre-plaster inspection to check for the installation of a permanent fence and gate, the installation of alarms on doors, the installation of the electrical circuits, the bonding of the electrical equipment, and the preparation of the gunite pool for the plastering.
5. A final inspection to determine if all work on the pool is complete.

A portable spa requires:

1. An inspection to check for the installation of a permanent fence and gate, the installation of alarms on doors, the installation of the electrical circuits, the bonding of the electrical equipment, and to check compliance with the California Electric Code.
2. A final inspection to determine that all work is completed and the spa is operating correctly.

Based on the 2013 California Mechanical Code (CMC), the 2013 California Plumbing Code (CPC), and the 2008 Energy Code (Res)

1. Backflow prevention required at water supply per CPC Table 603.2.
 - a.) Manual fill: use AVB (Atmospheric Vacuum Breaker)
 - b.) Auto fill / auto chlorinator: use PVB (Pressure Vacuum Breaker)
2. The swimming pool or spa shall have at least two circulation drains per pump that shall be hydraulically balanced and symmetrically plumbed through one or more T fittings, and that are separated by a distance of at least 3' in any dimension between the drains. Suction outlets that are less than 12" across shall be covered with anti-entrapment grates, as specified in the ASME/ANSI standard A 112.19.8, that cannot be removed except with the use of tools. Slots of openings in the grates or similar protective devices shall be of a shape, area and arrangement that would prevent physical entrapment and would pose any suction hazard to bathers, per CBC 3109.4.4.8(4).
3. At least 36" of pipe between the filter and the heater to allow for future addition of solar heating required. Per 2008 Building Energy Efficiency Standards (BEES)
4. All pools constructed with pool heaters require a pool cover. Per 2008 Building Energy Efficiency Standards (BEES)
5. A mechanical draft venting system of other than direct vent type shall terminate at least 4' below, 4' horizontally from or 1' above any door, operable window, or gravity air inlet into any building. The bottom of the vent terminal shall be located at least 12" above grade. Per CMC 802.8.2



Building Permit Submittal Form

Building Division

Effective: January 1, 2008
Revised: January 4, 2012

DATE: _____

PROJECT ADDRESS: _____

APN: _____

Subd# _____

Lot# _____

Permit# _____

☐ Building ☐ Electrical* ☐ Plumbing** ☐ Mechanical*** ☐ Pool/Spa ☐ Sign ☐ Demolition ☐ Other

PROJECT DESCRIPTION: _____

PROJECT VALUATION: [\$ _____]

Residential

New SFD ☐ attached ☐ detached
Living _____ sq ft
Garage _____ sq ft
Porch _____ sq ft
Fence _____ sq ft

☐ New Multifamily (Apartment)

Carport(s) _____ sq ft

Attached Structure: _____ sq ft
Detached Structure: _____ sq ft

Non-Residential

New ☐ Comm ☐ Office ☐ Indust _____ sq ft

Addition: _____ sq ft

Tenant Improvement _____ sq ft

Construction Type _____

Occupancy Group _____

Occupancy Load _____

*Electrical ☐ New Construction _____

**Plumbing ☐ New Construction _____

***Mechanical ☐ New Construction _____

APPLICANT (☐ Property Owner or ☐ Contractor)

PROPERTY OWNER'S NAME: _____

Address: _____ City/State/Zip _____

Telephone# _____ Fax# _____ Email: _____

CONTRACTOR'S BUSINESS NAME: _____ Contractor Lic# _____

Address: _____ City/State/Zip _____

Telephone# _____ Fax# _____ Email: _____

City of Brentwood Business Tax Cert.# _____

Contact Name/Agent: _____ Tel#: _____ Email: _____

☐ Architect ☐ Engineer ☐ Designer Name: _____ Lic./Registration# _____

Company Name: _____ Address: _____ City/State/Zip _____

Telephone# _____ E-mail: _____



INVOICE
The City of Brentwood
150 City Park Way
Brentwood, CA 94513
Phone: (925) 516-5405

APPLICANT: Swimming Pool 7-1-13

SITE ADDRESS:

Sub Div:

Lot:

Description: Swimming Pool

B13-1091

RES MISC/POOL

Parcel No:

Valuation: \$31,000.00

Fee Description	Fee Amount
<u>BUILDING FEES</u>	\$936.29
<u>PLAN CHECK FEES</u>	\$608.59
<u>OFFICE AUTOMATION FEES</u>	\$15.45
<u>BUILDING FOR OTHERS</u>	\$5.11
<u>ENCROACHMENT BOND</u>	\$500.00

Due w/submittal

Total Fees Due : \$2,065.44

PAID FEES

TOTAL FEES PAID:

Date Printed: 04/02/2014

INSTALLATION CERTIFICATE		CF-6R-MECH-03
Pool And Spa Heating Systems		
Site Address:	Enforcement Agency:	(Page 1 of 2) Permit Number:

Pool and Spa Heating Systems requirements

§114(a): Systems and Equipment.

- ☐ 1. Heater has a thermal efficiency that complies with the Appliance Efficiency Regulations.
- ☐ 2. Has a readily accessible on-off switch mounted outside of the heater.
- ☐ 3. Weatherproof plate or card containing operating instructions for the pool or spa heater.
- ☐ 4. No electric resistance heating except for listed package units that has fully insulated enclosures and tight fitting covers that are insulated to at least R-6. Or if documentation is provided that at least 60 % of the annual heating energy is from site solar energy or recovered energy.
- ☐ 5. Heating system has no pilot light.

§114(b): Installation.

- ☐ 1. System is installed with at least 36" of pipe between the filter and heater, or dedicated suction and return lines, or built-in or built-up connections for future solar heating.
- ☐ 2. A cover for outdoor pools or spas that have a heat pump or gas heater.
- ☐ 3. Pool system has directional inlets to adequately mix the pool water
- ☐ 4. Time switch which will allow the pump to be set or programmed to run during off-peak periods only

§150(p) Pump Sizing and flow rate specification

- ☐ 1. The pump specified is listed in the CEC database of certified pool pumps.
- ☐ 2. The pump flow rate shall be calculated based on pool sizing table below.
- ☐ 3. The pump is capable of operating at 2 or more speeds (not applicable if pump is less than 1 horsepower).
- ☐ 4. Each auxiliary pool load is served by either a separate pump, or the system is served by a multi-speed pump.

Pool sizing (Values are based on a maximum allowable turnover rate of 6- hours)

Max Pool Volume (gallons)	Min Pipe D or Greater (inches)		Min Filter Area or more (square feet)			Max Pump Flow (gpm)
	Return	Suction	Cartridge	Sand	DE	
13,000	1.5	1.5	100	2.4	20	36
17,000	1.5	2	130	3.1	25	47
21,000	2	2	160	3.9	30	58
28,000	2	2.5	210	5.2	40	78
42,000	2.5	3	320	7.8	60	117
48,000	3	3	360	8.9	70	133

Note: For pumps greater than 1 hp. The maximum Pump Flow is the lowest speed default filtration

- ☐ 5. Calculated volume of pool _____ (gallons).
- ☐ 6. Return Pipe Diameter _____ (inches).
- ☐ 7. Suction Pipe Diameter _____ (inches).
- ☐ 8. Filter Type _____ (Cartridge, Sand, DE).
- ☐ 9. Filter Surface Area _____ (sf).
- ☐ 10. Max Pump Flow _____ (gpm).

INSTALLATION CERTIFICATE		CF-6R-MECH-03
Pool And Spa Heating Systems		
Site Address:	Enforcement Agency:	(Page 2 of 2) Permit Number:

System Piping

- ☐ 1. The suction side pipe is straight for at least 4 pipe diameters before entering the pump (See table below for the required straight run lengths for various pipe sizes).
- ☐ 2. The design uses low pressure drop fittings (sweep90's)

Pipe Diameter (inch)	Required Pipe Length leading into pump (inch)
1.5	6
2	8
2.5	10
3	12

Filtration Equipment

- ☐ 1. If a backwash valve is used: The diameter of the backwash multi-port valve is 2 inches or as large as the circulation pipe, whichever is greater

DECLARATION STATEMENT

- I certify under penalty of perjury, under the laws of the State of California, the information provided on this form is true and correct.
- I am eligible under Division 3 of the Business and Professions Code to accept responsibility for construction, or an authorized representative of the person responsible for construction (responsible person).
- I certify that the installed features, materials, components, or manufactured devices identified on this certificate (the installation) conforms to all applicable codes and regulations, and the installation is consistent with the plans and specifications approved by the enforcement agency.
- I reviewed a copy of the Certificate of Compliance (CF-1R) form approved by the enforcement agency that identifies the specific requirements for the installation. I certify that the requirements detailed on the CF-1R that apply to the installation have been met.
- I will ensure that a completed, signed copy of this Installation Certificate shall be posted, or made available with the building permit(s) issued for the building, and made available to the enforcement agency for all applicable inspections. I understand that a signed copy of this Installation Certificate is required to be included with the documentation the builder provides to the building owner at occupancy.

Company Name: (Installing Subcontractor or General Contractor or Builder/Owner)		
Responsible Person's Name:	Responsible Person's Signature:	
CSLB License:	Date Signed:	Position With Company (Title):

Subcontractor List

Building Division

Effective: May 25, 2007
Revised: June 1, 2011

Contractors and subcontractors shall obtain a City of Brentwood Business Tax Certificate prior to commencement of **any** work performed in the City of Brentwood. The General Contractor shall provide a list of all subcontractors (per job) including mailing address, type of work, phone number, and State Contractors license number. Your Certificate of Occupancy may not be issued until all requirements for the subcontractor list has been completed.

General Contractor: _____ Project Name: _____

Permit Number: _____ Project Address: _____

Name	Address	Type of Work	Phone	Contractor Lic. #	Business Lic. #